OUTRAGEOUS CHARGE

Perry in the Lo Kam Case.

THE JURY ORDERED TO CONVICT.

CASE REVERSED BY UNANI-MOUS DECISION OF THE SUPREME COURT.

Perry's Remarkable Remarks the Jury and What the Higher Court Thinks About Them.

if there ever was an outrageous charge delivered to a jury it was the charge delivered by First Circuit Judge Perry, now justice of the supreme court of the Republic of Hawaii in the case of the Republic of Hawari vs. Lo-Kam. The charge was not commed to the facts and the law in the case, but lugged in an extraneous matter which convicted Lo Kain. Under the charge the jury couldn't do anything but convict Lo Kam.

At the time of delivering the charge Judge Perry and Judge Stanley were members of the citizens' sanitary committee. The bubonic plague scare was on. Perry, as judge of a court of record, had appeared in the district court, or rather police court, to prosecute a Chinaman, or rather to assist in the prosecution of a Chinaman, for alleged violation of one of the rules that he (Perry) had been instrumental in making-but, in the language of Kipling, that is another story.

Lo Kam was arrested and convicted under section 370 of the penal laws, 1897, which says:

"Any common prostitute, or any person who is lewd, wanton or lascivious in speech or behavior, or any person who has no visible lawful means or insufficient lawful means of support, or who wanders abroad or places himself in any public place to beg alms, or causes any child so to do, or who solicits or collects alms or contributions under any false pretense, or who practices hooptopio, hoounauna, hoomanamana, anaana, or pretends to have the power of praying persons to death, or who pretends to tell fortunes for money or other reward, or who has in his possession without lawful excuse (the proof of which excuse shall be upon such person) any false or skeleton key or any implement of house-breaking, or who is found by night dressed or disguised with a felonious intent, or who is found by night without lawful excuse (the proof of which excuse shall be upon such person), in or upon any dwelling house or other buildings or any enclosed yard or on board any vessel, or who is a cangerous or disorderly person by reason of his being a rioter, disturber of the peace, going offensively armed, uttering menaces or threatening speeches, or otherwise, shall be puntaked by imprisonment at hard labor not more than six months."

The defendant appealed to the supreme court and on September 6th the supreme court, in a unanimous opinion, written by Justice Galbraith, reversed Perry and ordered a new trial, J. A. Magoon was a member of the bench in place of Perry, who was absent. The court says: "While there

some conflict in the evidence, the testimony tends to support the following state of facts: That Mr. C. Bolte, a resident of Judd street, Honolulu, had a number of Asiatic servants in his employ; that these, together with a Chinese fisherman, with the consent and knowledge of Mr. Bolte, occupied a building on the premises as 'servants' quarters; that the defendant on January 25th, without the permission of Mr. Bolte, called at the servants quarters in the evening for the purpose of collecting \$100 due him from one of the occupants, the Chinese fisherman, who was also the defendant's partner in some business enterprise; that the money was collected and defendant lingered to talk over business and social matters until about 9:30 o'clock; that the defeadant was then afraid of being robbed if he returned to his own home and, upon the invitation of one of the occupants of the 'tenants' quarters,' stayed over night and on the following morning returned to his own home and was afterwards arrested for violating the above stat-

The court further says: The charge of the circuit judge excepted to by the defendant was as fol-

lows, to-wit: "Mr. Chillingworth's argument has clearly shown what was apparent before, that the issue in this case is largely one of law.

"There is very little that is to be determined by you. The section of the law which applies was correctly read by one of counsel in this case. What is or is not a lawful excuse is for the court to determine. That is a matter

of law. "The granting of the permission by the Chinaman to defendant to sleep on the premises without Mr. Bolte's permission, the said Chinaman himself having no authority to give such permission to the defendant, would not constitue a lawful excuse under the circumstances of this case. Moreover, at that time it is a fact that there was a board of health regulation in existence having the force of law, forbidding any person changing his place of abode without a permit, so that the defendant at the time in sleeping on the premises was in fact engaged in a violation of

not a sufficient excuse under the law and the only question of fact for you to determine upon the evidence is

on those premises that night. "If you believe from the evidence of Cashman & Co. the witnesses for the prosecution that this afternoon.

he did, or if you believe the defendant's own admission that he did, then you must find him guilty. The only theory upon which you can acquit him is that you disbelieve the evidence entirely."

While it is apparent from a reading of section 370, under which the charge is laid, that this statute was enacted It Is Made by Judge to cover a "multitude of sins," or difenses, that by it the legislature intended to remedy many wrongs, it does not appear, nor do we think it was intended by this section to declare a simple trespass to be an offense and punishable as a misdemeanor.

"Excuse," said Willes, J., "is either an authority or a reasonable belief in authority," the Queen vs. Harvey. Crown Cases Reversed. Vol. 1, p. 236. Under this definition the phrase without lawful excuse," as used in section 370 would mean without lawful authority or reasonable belief in lawful authority. If the defendant had lawful authority or a reasonable belief in lawful authority for being on the premises at the time alleged and had either lawful authority or a reasonable belief in lawful authority for remaining there over night, he is not guilty

of the offense charged. The defendant went upon the premises, as shown by the evidence, for a perfectly lawful purpose. He had a right to call upon his debtor for payment of money due, and by night, if necessary. Then having gone upon the premises for a lawful purpose, he was not there "without lawful excuse," and being rightfully on the premises, had he not lawful authority or a reasonable belief in lawful authority for remaining there over night on the invitation of one who was a rightful occupant of the house?

We think he had and that the circuit udge erred in holding and instructing

he jury otherwise. The defendant was not charged with violating a regulation of the board of health, nor does the record disclose whether or not he held a permit from the health authorities permitting him to change "his place of abode." That part of the instruction relative to the regulation of the board of health does not seem to be pertinent to any issue in the case and we think it should have been omitted. The exceptions are sustained and a

new trial ordered. W. F. FREAR, C. A. GALBRAITH, J. ALFRED MAGOON.

Mr. Lorrin Andrews for the Territory.

Mr. Sam'i. Chillingworth for defend-

DUNREGGAN STRANDED IN THE LAW COURTS.

TOTAL VALUE OF THE CARGO WHEN SHE WENT ON THE REEF.

Amount of Cargo Damaged by the Vessel's Beaching Off Diamond Head-The Tug Eleu Libel

The Dunreggan stranded on the reef s nothing to the Dunreggan stranded in the courts. Rather of a vague sentence? Certainly. In the stranding of the Dunreggan on the beach portions of her hull, decks and masts were visible. In the stranding of the Dunreggan in the courts, nothing of the ship remains. It is a well known mathematical problem-perhaps not taught in the public schools in the territoryif from nothing you take nothing, nothing remains. Now, what will remain of the Dunreggan when all this litigation is ended? As a disinterested spectator and without a kodak, The Republican, not in a spirit of levity, but in all seriousness, would like to ask, will the Dunreggan get off the reef if

the cori hawser remains intact? Like Judge Estee, the community believes in encouraging the shipping interests. But contamination with reefs by merchandise-freighted barks in glaring daylight and the subsequent intervention of courts tend to drive encouragement out to sea beyond the sight of land.

In yesterday's proceedings in the Dunreggan libel an approved statement by libellant and libellee was submitted to Commissioner Robinson. The total value of the cargo, less duty, was placed at \$44,275.99; amount of cargo damaged, \$1,259.40.

In the libel of the tug Eleu against the bark Dunreggan for \$2,500 the attorneys for the bark have filed a voluminous answer. The answer states that on August 11th a bill or claim against the bark in the amount of \$157.70 was paid by the captain of the Dunreggan. Among the items enumerated in bill was "for sea towage of ship while on the reef." The libellee asserts that every claim against the bark by the Eleu has been liquidated. Emanuel, the pilot, "black as Cyclops

from the forge," testified as to the pulling done to the bark by the Eleu.

DR. ENGLISH AND THE OUEEN COMPROMISE

The suit brought by Dr. Charles H. English against Lydia Dominis, ex-Quene Liliuokalani, for \$5,000, as originally told exclusively in The Republican, has been settled out of court.

Dr. English admitted last evening that the case had been compromised at a mere nominal figure. It is well known that Dr. English, having determined not to locate here, is anxious to get away and has no desire to remain here to litigate. Beside, there were features about the case that made it distasteful to him to prosecute it.

BALLOON ALMOST READY.

The balloon that will be used at the Kaimuki station of the wireless tele-graph will be a pretty big one. It whether it has been shown to your sat-isfaction that the defendant did sleep and forty-six feet in circumference. It is being made a, the sail loft of

FOURTH DISTRICT FAVORS SAM PARKER

Sense of the Convention He Should Go to Congress.

SECOND AND THIRD ARE FOR HIM.

BOTH DISTRICTS INSTRUCTED THEIR DELEGATES TO VOTE FOR THE KOHALA MAN.

Mr. Farrington Presents Resolution in Fourth Favoring Election of Territorial Delegates at Precinct Primaries.

Resolved. That the Fourth district committee recommend that the rules of the party be amended to secure the election of territorial delegates at the party primaries."

This resolution was introduced in the Fourth district committee meeting by W. R. Farrington yesterday afternoon and unanimously adopted. In presentthere had been a good deal of undersurface wrangling about the manner of nolulu. selecting delegates to the territorial convention and in order to obviate that and make the selection absolutely fair to all he believed the primaries should select the delegates to the territorial conventions as well as to the district conventions.

The primary object of the meeting of the Fourth district committee yesterday afternoon at the Chamber of Commerce was the election of eighteen der gates to the territorial convention. Farewing the roll call, which showed proxy in the hands of Chas. Wilcox, from the territorial committee relative to holding the territorial convention in

Honolulu, published elsewhere. In accordance with the report of the committee on permanent organization, which was adopted Monday, the chair announced the appointment of the following men as members of the executive committe: J. H. Boyd, Andrew Brown, H. M. Mott-Smith. Clarence Crabbe, Samuel Johnson, Frank Hoogs, A. F. Gilfillan. Auditing committe: G. F. McLeod J. P. Cooke, Chas. Wil-

Lorrin Andrews moved that the committee proceed to the nomination of delegates from the body of the house and in doing so pleaded for representation for the minority faction of the it would be only just and proper that they be represented.

Nominations followed thick and fast until the following names had been presented: J. W. Jones, J. B. Atherton, Henry Waterhouse, J. H. Boyd, Geo. McLeod, M. P. Robinson, A. G. M. Robertson, C. L. Wilcox, A. V. Gear, C. L. Crabbe, J. M. Kea, Wm. Haywood, David Nahoolewa, Frank Hoogs, Keohokii, Andrew Brown, J. D. Mc-Veigh, Samuel Johnson, W. H. Coney, C. B. Wilson, Keiki, W. R. Farrington, 27th, at 9 a. m. A. F. Gilfillan. When ready to proceed to balloting Lorrin Andrews and Audrew Brown, each with a half vote, paired, leaving a total of twenty-three votes to be cast. Hoogs and Brown were appointed tellers.

The ballot resulted in the following vote: J. W. Jones 23, A. G. M. Robertson 22, George McLeod 22, U. B. Wilson 22, Andrew Brown 21, J. D. Mc-Veigh 21, C. L. Wilcox 21, C. L. Crabbe 21, J. W. Kea 21, J. H. Boyd 20, A. V. Gear 20, W. H. Coney 20, A. F. Gilfillan 20, Keiki 19, W. R. Farrington 18, Samuel Johnson 17, David Nahoolewa Prizes and Entries for the Great 16, Keohokii 15, Henry Waterhouse 19, J. B. Atherton 8, Frank Hoogs 8, M. P. Robinson 7, Wm. Haywood 6, the

eighteen first named being elected. Colonel Jones was on both tickets, hence he received every vote cast. The others representing the minority faction were the last five named above. "The minority have only themselves

to blame for not being represented in the delegation," said a member of the majority to the Republican reporter when the committee adjourned. "We offered to give them one-third of the delegation provided they would leave Mr. Haywood's name off the list. This they refused to do, although Mr. Cooke and Mr. Carter desired that this concession be made to the majority, they believing that our proposition was a liberal one. Mr. Haywood has made himself very offensive in the past to a large majority of the party in the Fourth district and we simply did not propose to allow him to go to the convention. Had the minority not insisted upon Haywood or nobody, then they would have been awarded six of the eighteen delegates."

It was immediately following the balloting that the resolution of Mr. Farrington given above was adopted. Clarence Crabbe moved that it be declared the sense of the Fourth district committee that Samuel Parker be declared the choice of the Territorial convention as the nominee for delegate Congress. Lorrin Andrews and H Mott-Smith protested against the adoption of such a motion upon the ground of it being inexpedient and anwise. A. V. Gear thought the motion should prevail. He said conventions oftimes went further than this and instructed. On the viva voce vote on the motion the chair was in doubt and a division was demanded. This resulted in every member except four voting for Mr. Crabbe's motion and the Fourth district delegates stand pledged to Samuel Parker for delegate to Congress.

Upon motion of H. M. Mott-Smith

the chair appointed H. M. Mott-Smith.

convention for the nominating of candidates for the senate and territorial legislature from the Island of Oahu. The committee then adjourned to meet at the call of the chair.

Second District Convention.

The Second district committee met at Kailua, Hawaii, September 7th, with twenty-seven delegates present from the districts of Kohala and Kona, Kau not being represented. The following officers of the committee were elected: President, H. L. Holstein; vice president, G. F. Maydwell; treasurer, John A. Maguire; secretary, Harry T. Mills. Delegates to the ferritorial convention are: J. D. Paris, J. A. Maguire, Harry T. Mills, G. P. Kamauolia, Thos. Aiu, Chas. Towt, H. L. Holstein, Samuel Parker, E. A. Fraser, S. K. Kekuaewa, J. Waipuilani, C. K. Stillman.

The following resolution in reference to the candidate for delegate to Congress was unanimously adopted: "Resolved, That the twelve delegates this day elected to attend the republican territorial convention called as of the 20th and 21st days of September. 1900, be instructed and are hereby instructed that Samuel Parker is the choice of this convention for delegate to Congress, both for the long and short terms, and that said delegates shall use their best efforts to secure

the nomination of said Samuel Par-The convention was strongly of the opinion that the territorial convention should be held in Honolulu and delegated Harry T. Mills, secretary of the convention, to proceed to Honolulu at once and lay before the territorial exing the resolution Mr. Farrington said | ecutive committee the reasons why the Second district delegates favored hold-

Third District Convention.

The district convention of the Third district was held at the residence of Judge A. N. Kepoikai at Wailuku, Maui, Monday, Judge Kepoikai being elected temporary chairman and D. C. Lindsay temporary secretary. The committee on credentials reported forty-one delegates duly elected, of whom thirty-six were present in person, the remainder being represented by

The permanent officers elected were President, H. P. Baldwin; vice presi-Kahoolews, who was represented by Lowrie; auditor, W. O. Aiken. Finance committee: George Hons, J. K. Josethe secretary read the circular letter pa, C. Copp. The executive committee omprises the officers. Delegates to the territorial conven-

Molokai-D. H. Kahaulello, J. H. Mahe, J. K. Kahime. Lahaina-Matt McCann, D. Kahaule-

lio, R. C. Searle. Lowrie, George Hons. Makawao-H. P. Baldwin, W. Aiken, P. N. Kahokuohina, C. H. Dick-

ey, A. F. Tavares, J. Kaluna. Hana-J. K. Hanuna, M. H. Reuter. E M Hanuna

A motion was made to instruct the Maui delegation to work for the election of H. P. Baldwin for delegate to Congress, but Mr. Baldwin absolutely declined to be a candidate, though he party in the committee, claiming that said he appreciated the honor of being mentioned for the place. The Hawaiian delegates present urged Mr. Baldwin to accept the nomination, but he again declined and spoke strongly in favor of the nomination of Sam Par-

> A motion was made and seconded that the Mani delegation be instructed to vote solid for Sam Parker as delegate to Congress. Carried unanimously, with no other name mentioned. Meeting adjourned to September

YACHT OWNERS MEET TO PREPARE FOR REGATTA

THE COURSES CLEARLY DE-FINED FOR THE FIRST AND SECOND CLASS YACHTS.

Event-One Gun Signal is Adopted-Flag Poles

and Flags.

The meeting of the local yacht owners at the Hawaiian hotel last evening was a protracted one. The plans for the coming regatta were all practically

completed. The course for the first and second class yachts were as follows: From starting line between lighthouse and Healani Boat club, out the channel to bell buoy, from thence to spar buoy, from thence to a buoy to be placed off J. B. Castle's place at Waikiki, from thence to a buoy off Pearl Harbor and from thence to starting line.

The course for the third and fourth class boats will be from starting line to bell buoy, to spar buoy, to J. B. Castle's buoy, to flag off the quarantine station, to bell buoy, to spar buoy, to starting line.

It was decided that the stake boats should have fifteen-foot flag poles with large red and white flags. The signal for starting was to be the "one gun signal," consisting of the firing of a preparatory gun and a final gun five The Rev. A. E. Corey to Carry on minutes later. The yachts were also to be numbered

The following are the entries and prizes for each event as recommended by the yachters: First class-First prize, \$100; second

prize, 50. Three boats to start-Eva. Bonnie Dundee and Helene. Second class-First prize, \$75; second prize, \$50; third prize, \$35. Four boats to start-Hawaii, Marion, Dewey and Healani.

Third class—First prize, \$50; second prize, \$30; third prize, \$20. Four coats to start—Myrtle, Malolo, Kikl, Opitsah and Vi-ke. Fourth class-Prizes same as third

lass-Pokil, Edith L., Abble M., Rose, Clytie, Volanti, Maria and Kaiko. A committee of three was appointed C. L. Wilcox and A. V. Gear a committo confer with the regatta day comtee to meet with a similar committee mittee in regard to prizes, etc. They the Pifth district to agree upon a were C. S. White, Thomas Hobron and time and place for the holding of a Henry Rothe

PEARL HARBOR WILL NOT BE IMPROVED.

United States Refuses to Pay Exorbitant Land Prices.

PROPERTY OWNERS ASK TOO MUCH

FOR LAND VALUED AT BUT \$20.

THEY WANT \$1,000 AN ACRE

Such Is the Tenor of a Letter Re ceived From the Navy Department by Captain Merry-No Condemnation.

From letters just received by Capt. J. F. Merry, commandant of the naval station here, it appears that the government has about given up the idea of trying to establish a naval station at Pearl Harbor, as has seen heretofore stated in The Republican. This is on account of the avarice of the owners of the Walpio peninsula and C. A. Brown, who appear to think that their land, because the government wants it, is more valuable than town lots in the city of Honolulu. Property consisting of 824 acres that is assessed at a valuation of \$5,000 is deemed by the owners to be worth \$300 per acre, and Cabby Brown is said to have declared that for every acre of ground that the government gets it will have to pay at the rate of \$1,000 per acre.

This is why Uncle Sam is not anxious to start to work opening the harbor as a commercial port and making a defended naval and coaling station there. He refuses to pay what he thinks an exorbitant price for the opportunity of expending several millions of dollars for the improvement of the place, and until the land necessary is obtained at what is considered a fair figure not one cent will be spent in doing anything for the improvement of Pearl Harbor and the entrance thereto.

To make the necessary improvements would take a long time to do the work and the money so spent would naturally find its way into circulation here. The beginning of the work on the channel would mean the springing up of a village on the land at the entrance of the harbor and the acquiring of a strip on each side on which to erect fortifications.

When he first came here Captain Merry tried to obtain options on the lands needed for the navy, but the owners refused to give them, as they thought it was "not for the best interests of the estate to grant an option It is the impression of the authorities that the owners of the lands want the government to condemn the land needed, and then on an appeal from the condemnation proceedings raise the price of the land to what they think it is worth. The government, however, will not bring condemnation proceedings in the matter, and it is stated in the letter to Captain Merry that while there are people in Washington trying to get Congress interested in the matter, the navy department will recommend that nothing be done unless the land is given for a figure that is some-

where near its value. The land for the Portsmouth, N. H. League Island and Boston navy yards was given the government for the opportunity of having the government build its stations. The stations were deemed of great value by the people of these places. Here in Hawaii, where Uncle Sam is ready and willing to open for commerce one of the finest harbors in the world, the avarice of an estate is holding back the development of the country and keeping away the many millions of dollars that would be expended in the carrying out of the plans of the government. Either the assessor made a grievous blunder in the valuation placed on the land in question or the owners of that land are trying to cinch the government by making it pay \$294 per acre more than the assessed valuation.

It was the intention to make the channel and harbor navigable for the largest ships known, and to provide docking facilities for the big vessels of the navy. The development of the whole district is being kept back, however, by the owners of property, who apparently fail to see that if they would give the government a square deal they would not only be serving their own interests but the interests of the whole district by meeting Uncle Sam half way.

Going to Manila On The Transport Logan

Christian Work Among the Soldiers on Board.

The transport Logan, which steamed nto the harbor Sunday morning with two battalions of the First regiment and one battalion of the second regiment, U. S. A., is carrying 1,600 men to Manila without a chaplain or Christian worker on board among all the number. This fact was called to the attention of some of the Christian workers of this city yesterday and the subject and Honolulu. was discussed at the Young Men's Christian association

The Rev. A. E. Corey, who came to Honolulu in May last to carry on mission work among the Japanese, vol-unteered to go on to Manila on board the Logan providing arrangements and their lady companions. The vol- at the Orpheum on Monday night and could be made for him to do so. The cano trip is especially commended and the conduct of the deputy sheriff was commandant of the vessel was seen and nobles are urged to bring their wheels. highly commended.

readily agreed to make room for Mr. Corey. The matter of the expense was discussed and it was agreed that there would be no trouble in raising the necessary funds among the good people

of this city.

A meeting was held at the Christian church on Alakea street last night which was attended by quite two hundred of the soldiers aboard the Logan. Mr. Corey addressed the soldiers and when the question was asked how many wanted to lead better lives seventy-eight men stood up. They piedged themselves not only to try to lead better lives but to assist the Rev. Mr. Corey in every way in his work on the transport. Mr. Corey will leave on the Logan this morning with the soldiers, his wife and little girl remaining here RATIONAL INTERPRETATION with friends for a time. It is not improbable that Mr. Corey will remain in the Philippines and carry on mission

work there. Mr. Corey is an earnest Christian gentleman, sealous in his work, yet at Running Tram Cars, Railway Trains, the same time considerate and patient; one of those Christians who compel the respect of worldly men because of their upright and wholesome lives. The Republican earnestly wishes Mr. Corey success in his noble mission.

Reception to Mrs. Gulick.

About fifteen of the Christian Japan se women met at the home of Rev. T Kimuro on Kukui street last evening in honor of Mrs. O. A. Gulick, who has portance of the subject justifies the just returned from the coast. After publication of the full text of Mr. singing several songs and chatting to-gether, Mrs. Gulick addressed the ladies on her recent trip to the mainland. Refreshments were served.

NOBLES OF ISLAM TEMPLE TO BE HERE IN OCTOBER. Mr. A. M. Brown, High Sheriff of the

SAN FRANCISCO NOBLES OF THE ARABIC ORDER OF THE MYSTIC SHRINE COMING.

The Imperial Potentate and Two Hundred Shriners to Establish Aloha Temple Here

In March. The Nobles of Islam are coming to

steamer Zealandia from San Francisco | the Sunday law, brings up sharply the on Sunday, October 7, at 10 o'clock in question of what is a fair construction the morning. The party will arrive at of the law.

The section (317 Penal Laws) is as Hill on Saturday, October 13th, at 5 a. follows: Hilo at 8 p. m. on Monday, October main here six days, leaving Honolulu riving home in San Francisco on Sun-

This is a pilgrimage of Islam Temple of San Francisco, whose nobles make imperial potentate, the head of the entire order, who will come to Honolulu during the latter part of February or premises where sold or served elseearly in March. He comes to establish a Temple here and will be accomat least 200 Shriners, most of whom as Aloha Temple, and a dispensation be lawfully performed on Sunday shall preparations have yet been made for community and of each individual to this great official's visit and it is not quiet and repose." known on what vessel the imperial potentate and his retinue may come.

March is a long way off, anyway. But Islam Temple is coming and will be here before the craft is quite ready clared unconstitutional. Although the for them. R. P. Hurlbut is the potentate and Hiram T. Graves, recorder. It is thought that other California eral trend of authority is toward a lib-Temples will join in the pilgrimage eral construction. Running tram cars and many distinguished men and women of the Golden State will be of tho party. Instead of the Pyramids, the novices will ascend Punchbowl, Tantalus and the Pali.

The committee on transportation is in charge of a very thorough committee, consisting of John D. Spreckels, C. S. Benedict and John M. Curtis.. The Oceanic Steamship Company's 3,000ton steamer Zealandia, refurbished and mercy, but also "all labor that is need-repainted, has been chartered for the ful for the comfort f occasion. The transportation commit- the community." tee has made the following announce-

"Below is the schedule of accommovary according to location and conven-

"Upper deck-14 rooms, 2 persons to rooms, 3 persons to each room, per ticket \$150 'Main deck-30 rooms, 4 persons

2 rooms, 6 persons to each room, per ticket, \$130. "Adjoining Assembly hall, main deck -5 rooms, accommodating 35 persons,

"Adjoining Festival hall, main deck -Accommodating 26 persons, per ticket. \$90. Total accommodations, 233 persons. "The above prices include all reason-

able expenses for the entire trip. And

if so desired a limited number can wait and return home by next regular room, or main deck, 3 to each room, will be sold for \$125, which will allow

sailing from San Francisco on Sep- ditions as might interfere with religtember 19th and return home on the jous worship and the rights of individ-Zealandia. They will be entitled to all uals to quiet and repose. the privileges of the pilgrimage while the Zealandia is docked at both Hilo "Tickets will be sold only to nobles

of the Mystic Shrine and their ladiesfirst come, first served." A sort of uniform has been decided

upon, consisting of linen suits, with belts and special hats for both nobles for the part he took in the scrimmage

FOR CITY OF HONOLULU.

Attorney General Dole Gives High Sheriff An Opinion.

COMFORT OF MASSES CONSIDERED.

OF LAW WILL MEET WITH GENERAL APPROVAL

Sending Telegrams or Work of Necessity is Not Forbidden.

Attorney General E. P. Dole has rendered an opinion on the existing Sunday laws on these Islands on the request of High Sheriff Brown. The imwith. Mr. Dole's construction of the law is a fair, logical and liberal one. but none too liberal for the majority of people. The opinion will meet with popular approval, undoubtedly. Here

Territory of Hawaii, Honolula,

is the decision:

Dear Sir: I desire to suggest that Section 322 of the Penal Laws was enacted in 1872 and appears to be inconsistent with Section 317 of the Penal Laws, which was enacted in 1886. It seems to me, therefore, that victualling houses, restaurants and coffee shops should be allowed to keep open on Sundays after 7 o'clock in the evening. as well as before, for the service of

The circumstance that on Sunday, September 9th, the United States transport Logan arrived in Honolulu with about seventeen hundred men and a Hawaji. Islam Temple will sail on the rigid interpretation and enforcement of

to the entrance to the harbor would m., will visit the volcano and do the "All labor on Sundays is forbidden, cost about half a million dollars. It big island as much as possible, leaving excepting works of necessity or mercy, in which are included all labor that I needful for the good order, health, com-14th. The Zealandia will be due at fort or safety of the community, or Honolulu on Tuesday, October 15th, at for the protection of property from un-10 o'clock a. m. The Shriners will re- foreseen danger, or danger of destruction, or which may be required for the prosecution of or attendance upon reon Sunday, October 21st, at 2 p. m., ar- legious worship, or for the furnishing of opportunities of reading or study. Provided, however, that on Sunday fresh meat and fresh fish may be sold and delivered; that until nine o'clock in the morning and after three o'clock excursions of this sort periodically. It in the afternoon milk may be delivered has no connection with the visit of the and cattle, sheep and swine may be slaughtered; that during the entire day meals may be sold to be eaten on the where by caterers; drugs, medicines and surgical appliances may be sold, panied by representative Nobles from personal baggage may be conveyed to all parts of the United States. It is thought that he will be accompanied by at port on that day, that steamers and public carriages, horse cars and licensare or have been of the highest rank. ed shore boats may convey passengers The Temple at Honolulu will be known for hire, and that all labor which may has been granted for it. Aloha will be conducted, as far as possible, so as start with about twenty members. No not to interfere with the right of the

> In the United States Sunday laws except from their operation works of necessity and mercy, and wherever they have falled to do so have been dedecisions are very conflicting as to what are works of necessity, the genand railway trains, sending dispatches by telegraph, repairing railways to prevent short delays, shoeing stage horses to prevent delays to the United States mail, and running an ice factory that customers might have their daily supply of ice, are examples of what have been held to be works of necessity.

Our statute is peculiar in that it ox cepts not only work of necessity and

In a tropical seaport town, where arge numbers of people are transient, seamen and sailors, going on shore dations and prices for the same, which temporarily from long voyages, I think that an opportunity to purchase harmess refreshments such as tce-cold soda and mineral waters, is "needful for each room, per ticket, \$150; 2 bridal their comfort." Under new and changing conditions, I-think such an opportunity is needful to a large part of our to own people, and even those who have each room, per ticket, \$130; 2 rooms, 3 airy homes and ice chests cannot carry persons to each room, per ticket, \$130; their ice chests with them when they take their Sunday drives.

Although there may not be an equal necessity for the sale of cigars on Sunday, as smokers can more easily provide them beforehand, so large a portion of the community smoke, and the comfort of being able to purchase dgars when wanted is so great that I am inclined to think the sale might be permitted consistently with a reasonable construction of the statute.

The statute is certainly more liberal than the old Sunday laws of New England and evidently contemplates the comfort of the masses during their day of rest. It seems to me that it admits of a golden mean between the Puritan holders to go by the regular steamer Sabbath of a century ago and such con-

Very respectfully yours. E. P. DOLE, Attorney General. DEPUTY SHERIFF THANKED.

Deputy Sheriff Chillingworth was personally thanked by the officer in ommand of the troops on the Logun